(c) and (d) As regards disciplinary jurisdiction over the staff deputed for election duty, recently the Government of India and the Election Commission of India have agreed to settle the matter and have made a joint application to the Supreme Court indicating terms of settlement by which certain powers are proposed to be given to the Election Commission. So far as implementation of Model Code of Conduct, the matter is under discussion with the Election Commission.

Conflict between EC and Government

†1805. SHRI RAMA SHANKER KAUSHIK:
PROF. RAM GOPAL YADAV:

Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether there is a conflict between Election Commission and Government regarding control on election personnel; and

(b) if so, the stand and decision of Government on the matter?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING AND THE MINISTER OF STATE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) and (b) There is no conflict between the present Government and the Election Commission of India as such. In 1993, the Election Commission of India had filed the Civil Writ Petition No. 606/93 against the Union of India and others, seeking a verdict on the plea that the disciplinary powers in respect of the staff deputed for election work rest with the election Commission in accordance with the provisions contained in Section 13CC of the Representation of the People Act, 1950 and section 28A of the Representation of the People Act, 1951 read with article 324 of the Constitution so that the Election Commission may have the necessary legal and administrative powers to take action against officials connected with revision of electoral rolls and conduct of elections. [The stand of the Government was that disciplinary powers in respect of the staff deputed for election work couldn't be given to the Election Commission of India.] Recently, the Government of India and the Election Commission of India have agreed to amicably settle the matter and have made a joint application to the Supreme Court indicating terms of settlement by which certain powers are proposed to be given to the Election Commission in this matter.

Adequate representation to SC/ST

1806. SHRI R. N. ARYA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

†Original notice of the question was received in Hindi.

(a) whether it is a fact that persons belonging to the SC/ST categories have not been given adequate representation in different Organizations under the Ministry of Law, Justice and Company Affairs;

(b) if so, the reasons therefor; and

(c) the number of persons appointed to the posts in the rank of Chairman, Member, Part-time Members and Member Secretary to the Law Commission of India during the last three yers and the number of persons belonging to the SCs/STs appointed to the said posts and their percentage to the total number of posts?

THE MINISTER OF STATE OF THE MINISTRY OF INFORMATION AND BROADCASTING AND THE MINISTER OF STATE OF THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) and (b) Prior to 2.7.1997, representation for the persons belonging to SC/ST categories was being given as per vacancy-based roster. With effect from 2.7.1997, post-based roster has been introduced by Department of Personnel and Training to implement the Supreme Court's decision in R.K. Sabharwal's case. In the course of implementation of the post-based roster, some shortages and excesses have been found due to the operation of the previous roster, and these are being adjusted against future appointments in the new 200 point roster in accordance with Department of Personnel and Training's guidelines.

(c) The 14th Law Commission which functioned from 1st September, 1994 to 31st August, 1997 had one Chairman, 3 Full-Time Members, 1 Part-time Member and 1 Member Secretary. The Commission had a Member Secretary belonging to SC category for the period upto May, 1996 and thereafter it had a Member Secretary belonging to ST category. Percentage of persons belonging to SC/ST category to the total number of posts in the Commission works out to 16.67%.

The 15th Law Commission which was constituted w.e.f. 1st September, 1997 comprises one Chairman, 2 Full-Time Members, 3 Part-Time Members and one Member Secretary. The Member Secretary functioning for the period upto April, 1998 belongs to SC/ST category. At present, out of Chairman/ Full-time Members/Member Secretary of the Law Commission, none belongs to SC/ST category. Percentage of persons belonging to SC/ST category to the total number of posts in the 15th Commission (till April, 1998) works out to 14.3%.